

1 AMSTER, ROTHSTEIN & EBENSTEIN LLP
2 ANTHONY F. LO CICERO, NY SBN1084698
3 alocicero@arelaw.com
4 CHESTER ROTHSTEIN, NY SBN2382984
5 crothstein@arelaw.com
6 MARC J. JASON, NY SBN2384832
7 mjason@arelaw.com
8 JESSICA CAPASSO, NY SBN4766283
9 jcapasso@arelaw.com
10 90 Park Avenue
11 New York, NY 10016
12 Telephone: (212) 336-8000
13 Facsimile: (212) 336-8001
(Admitted *Pro Hac Vice*)

14 HANSON BRIDGETT LLP
15 GARNER K. WENG, SBN191462
16 gweng@hansonbridgett.com
17 CHRISTOPHER S. WALTERS, SBN267262
18 cwalters@hansonbridgett.com
19 425 Market Street, 26th Floor
20 San Francisco, California 94105
21 Telephone: (415) 777-3200
22 Facsimile: (415) 541-9366

23 Attorneys for Plaintiffs MACY'S, INC. and
24 MACYS.COM, INC.

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 MACY'S INC and MACY'S.COM, INC.,

CASE NO. 3:11-cv-06198-SC

19 Plaintiffs,
20 v.

**JOINT STIPULATION AND REQUEST
TO RESCHEDULE PRETRIAL
CONFERENCE AND [PROPOSED]
ORDER ON JOINT STIPULATION AND
REQUEST TO RESCHEDULE
PRETRIAL CONFERENCE**

21 STRATEGIC MARKS, LLC,

THE HONORABLE SAMUEL CONTI

22 Defendant.

23
24 STRATEGIC MARKS, LLC,

25 Counter-Claimant,
26 v.

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28 **JOINT STIP AND REQUEST TO RESCHEDULE PRETRIAL CONFERENCE AND [PROPOSED]
ORDER ON JOINT STIPULATION TO RESCHEDULE PRETRIAL CONFERENCE**
Case No. 3:11-cv-06198-SC

1 MACY'S INC and MACY'S.COM, INC.,
2 Counter-Defendants.

3 This stipulation and request is made and entered into by and among plaintiffs Macy's, Inc. and
4 Macys.com, Inc. (collectively, "Plaintiffs" or "Macy's") and defendant Strategic Marks, LLC
5 ("Defendant").

6 WHEREAS, pursuant to this Court's Order dated July 1, 2013, the pretrial conference was
7 scheduled to take place on December 20, 2013 at 10 a.m. (ECF No. 112);

8 WHEREAS, on December 10, 2013 the parties received notice from the Court advancing the
9 pretrial conference to December 17, 2013 at 10 a.m. (ECF No. 113);

10 WHEREAS, the date of the rescheduled pretrial conference presents insurmountable
11 difficulties to Macy's, in that its lead trial counsel is not available to attend the pretrial conference on
12 December 17, 2013;

13 WHEREAS, counsel for all parties are available to attend a pretrial conference on December
14 16, 2013;

15 WHEREAS, Macy's has filed seven motions *in limine*, and pursuant to the Court's Jury Trial
16 Preparation Order (ECF No. 100) oppositions to motions *in limine* are due to be filed and served no
17 later than five days prior to the pretrial conference (originally on December 16, 2013 in accordance
18 with a December 20, 2013 pretrial conference date);

19 WHEREAS, the parties agree that there is good cause to reschedule the pretrial conference date
20 to December 16, 2013, so long as the date for filing and serving oppositions to motions *in limine* is
21 extended to account for drafting time lost due to the advancement of the pretrial conference;

22 WHEREAS, the parties jointly request the Court to reschedule the pretrial conference to
23 December 16, 2013 and extend the date for filing and serving oppositions to motions *in limine* to
24 December 20, 2013;

25 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among all
26 parties, and the Court's approval as to the following is hereby requested:

- 1 • That the pretrial conference in this case, currently scheduled to take place on December 17,
- 2 2013 at 10 a.m., be rescheduled to December 16, 2013 at 10 a.m.
- 3 • That the deadline for filing and serving oppositions to motions *in limine* be extended to
- 4 December 20, 2013.
- 5 • That argument on the motions *in limine* not be heard at the December 16, 2013 pretrial
- 6 conference.
- 7 • That the provisions of the Court's Jury Trial Preparation Order dated May 31, 2013 (ECF
- 8 No. 100) remain in effect in all other respects.

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10 Concurrence in the filing of this document has been obtained by Benjamin Ashurov from each
11 of the other Signatories, which shall serve in lieu of their signatures on the e-filed document.
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13 DATED: December 11, 2013.

AMSTER, ROTHSTEIN & EBENSTEIN LLP

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15 By _____/s/
16 ANTHONY F. LO CICERO
17 Attorneys for Plaintiffs
18 MACY'S, INC. AND MACYS.COM, INC.

19 DATED: December 11, 2013.

KB ASH LAW GROUP

20 By _____/s/
21 BENJAMIN ASHUROV
22 Attorneys for Defendant
23 STRATEGIC MARKS, LLC
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1 **[PROPOSED] ORDER ON JOINT STIPULATION TO RESCHEDULE**
2 **PRETRIAL CONFERENCE**

3 Having duly considered the Joint Stipulation to Reschedule Pretrial Conference filed by the
4 parties to this action on December 11, 2013, and good cause showing:

5 IT IS HEREBY ORDERED THAT for all the reasons set forth in the foregoing Joint
6 Stipulation and Request to Reschedule Pretrial Conference, the Clerk's December 10, 2013 Notice
7 Advancing Pretrial Conference (ECF No. 113) be AMENDED as follows:

- 8 1. The pretrial conference in this case, currently scheduled to take place on December 17,
9 2013 at 10 a.m., is rescheduled to December 16, 2013 at 10 a.m.
- 10 2. The deadline for filing and serving oppositions to motions *in limine* is extended to
11 December 20, 2013.
- 12 3. Motions *in limine* shall not be heard at the December 16, 2013 pretrial conference.
- 13 4. The provisions of the Court's Jury Trial Preparation Order dated May 31, 2013 (ECF
14 No. 100) shall remain in effect in all other respects.

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16 **IT IS SO ORDERED.**

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18 
19 The Honorable Samuel Conti
20 United States District Judge

21 Dated: December 11, 2013
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